IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

WRIT PETITION NO : 7977 of 1992

Between:

Sri Dinkar Swamy Maharaj Mathadhipathi Ram Mutt, C/o. Ram Mutt(Lig), Nizamabad.

..... PETITIONER

AND

1 The Commissioner of Endowments, Hyderabad.
2 The Assistant Commissioner Endowments, Nizamabad.
3 K. Gangadhar s/o. K. Gangaram, person-in-charge
Sri Ram Mutt (Big) Nizamabad (Town, mandal, Dist.)

R3 is impleaded as per court order in WPMP 6484/01 dt. 1/8/03.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction more in the nature of writ of mandamus declaring the impugned orders in Rx.No.D1/29520/88, dated: 20-06-1992 of the 1st respondent, as bad, illegal and void and set aside the same and be pleased to issue a writ or order or direction as this Honourable court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.D.V.SITARAMAMURTHY

Counsel for the Respondents.: MR.A.KRISHNA MURTHY

The Court made the following O R D E R:

Heard learned counsel for the parties.

The order dated 20th June, 1992 passed by the Commissioner of Endowments has been challenged in this writ petition. One of the grounds taken is that the order had been passed without issuing a show cause notice to the petitioner under Section 51 of the Andhra Pradesh Charitable & Hindu Religious Institutions and Endowments Act, 1987.

In the counter-affidavit, it is stated that an application had been moved in the present writ petition for vacation of stay and this Court had passed an order on 12-08-1992 directing the writ petitioner to confine himself to the religious functions pending disposal of the enquiry before the Commissioner and the Commissioner was ordered to proceed with the enquiry and pass orders in accordance with law. It is complained in the counter-affidavit that the petitioner did not participate in the enquiry, which is disputed by him.

Since the impugned order has been passed without issuing a show cause notice, therefore, I direct that the impugned order be taken as a show cause notice by the petitioner and he should file a reply within three weeks from today and after receiving the reply, the Commissioner concerned shall conduct the enquiry and pass appropriate orders in accordance with law.

The arrangement made by this Court for management of the Mutt by its order dated 12-08-1992 shall continue till the Commissioner decides the matter.

The writ petition is accordingly disposed of. No order as to costs.

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(Bilal Nazki,J)

24th March, 2005.

vrn

To

1 The Commissioner of Endowments, Hyderabad.
2 The Assistant Commissioner of Endowments, Nizamabad.
3 Two C.D copies